MEETING OF THE

DISTRICT OF COLUMBIA STATEHOOD
CONSTITUTIONAL CONVENTION

- - -

Thursday, April 29, 1982

6:53 p.m.

Ninth Floor Auditorium
10th and E Streets, N. W.
Washington, D. C.

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P R O C E E D I N G S

(6:53 p.m.)

PRESIDENT CASSELL: We'll call the convention to order, please. We'll have our moment of meditation.

(A moment of meditation.)

PRESIDENT CASSELL: Mr. Secretary, would you read the roll, please?

MR. COOPER: Delegate Baldwin?

MR. BALDWIN: Here.

MR. COOPER: Delegate Barnes?

(No response.)

MR. COOPER: Delegate Blount?

MR. BLOUNT: Present.

MR. COOPER: Delegate Bruning?

MR. BRUNING: Here.

MR. COOPER: Delegate Cassell?

PRESIDENT CASSELL: Present.

MR. COOPER: Delegate Clark?

(No response.)

MR. COOPER: Delegate Coates?

MR. COATES: Present.

MR. COOPER: Delegate Cooper, present.

Delegate Corn?

MS. CORN: Here.

MR. COOPER: Delegate Croft?

(No response.)

MR. COOPER: Delegate Eichhorn?

(No response.)

MR. COOPER: Delegate Feeley?

MS. FEELEY: Present.

MR. COOPER: Delegate Freeman?

MS. FREEMAN: Here.

MR. COOPER: Delegate Garner?

MR. GARNER: Here.

MR. COOPER: Delegate Graham?

(No response.)

MR. COOPER: Delegate Harris?

(No response.)

MR. COOPER: Delegate Holmes?

MS. HOLMES: Here.

MR. COOPER: Delegate Jackson?

MR. JACKSON: Present.

MR. COOPER: Delegate Johnson?

MS. JOHNSON: Present.

MR. COOPER: Delegate Jones?

(No response.)

MR. COOPER: Delegate Jordan?

MR. JORDAN: Here.

MR. COOPER: Delegate Kameny?

(No response.)

MR. COOPER: Delegate Lockridge?

MS. LOCKRIDGE: Here.

MR. COOPER: Delegate Long?

MR. LONG: Here.

MR. COOPER: Delegate Love?

(No response.)

MR. COOPER: Delegate Maguire?

MS. MAGUIRE: Here.

MR. COOPER: Delegate Marcus?

MR. MARCUS: Good evening.

MR. COOPER: Delegate Charles Mason?

MR. MASON: Here.

MR. COOPER: Delegate Hilda Mason?

MS. MASON: Here.

MR. COOPER: Delegate Brian Moore?

MR. B. MOORE: Present.

MR. COOPER: Delegate Jerry Moore?

(No response.)

MR. COOPER: Delegate Talmadge Moore?

MR. T. MOORE: Here.

MR. COOPER: Delegate Nahikian?

(No response.)

MR. COOPER: Delegate Nixon?

(No response.)

MR. COOPER: Delegate Oulahan?

MR. OULAHAN: Here.

MR. COOPER: Delegate Paramore?

MS. PARAMORE: Here.

MR. COOPER: Delegate Robinson?

MR. ROBINSON: Here.

MR. COOPER: Delegate Rothschild?

MR. ROTHSCHILD: Here.

MR. COOPER: Delegate Schrag?

MR. SCHRAG: Here.

MR. COOPER: Delegate Shelton?

(No response.)

MR. COOPER: Delegate Simmons?

MS. SIMMONS: Present.

MR. COOPER: Delegate Street?

MS. STREET: Here.

MR. COOPER: Delegate Terrell?

MR. TERRELL: Here.

MR. COOPER: Delegate Thomas?

MR. THOMAS: Here.

MR. COOPER: Delegate Warren?

MS. WARREN: Present.

MR. COOPER: Delegate Barnes?

(No response.)

MR. COOPER: Delegate Clark?

(No response.)

MR. COOPER: Delegate Croft?

(No response.)

MR. COOPER: Delegate Eichhorn?

MS. EICHHORN: Here.

MR. COOPER: Delegate Graham?

(No response.)

MR. COOPER: Delegate Harris?

(No response.)

MR. COOPER: Delegate Jones?

MS. JONES: Here.

MR. COOPER: Delegate Kameny?

(No response.)

MR. COOPER: Delegate Love?

(No response.)

MR. COOPER: Delegate Jerry Moore?

(No response.)

MR. COOPER: Delegate Nahikian?

(No response.)

MR. COOPER: Delegate Nixon?

(No response.)

MR. COOPER: Delegate Shelton?

(No response.)

MR. COOPER: Mr. President, there are 34 delegates present.

PRESIDENT CASSELL: There being 34 delegates present, this convention is now in order.

Delegate Simmons?

MS. SIMMONS: Mr. President, I would like to move that this body go into executive session for a period of 20 minutes. I so move.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the body go into executive session for a period of 20 minutes. Discussion? Delegate Eichhorn?

MS. EICHHORN: Would you explain what that means, and could we find out what the purpose is?

PRESIDENT CASSELL: Executive session means a committee of the whole. Those persons not directly involved

in writing the constitution would be excused until such time as we go back into session.

MS. CORN: Point of information.

PRESIDENT CASSELL: Yes?

MS. CORN: Under the bylaws, the only time you can have executive session is to deal with personnel matters.

PRESIDENT CASSELL: Would the maker of the motion respond to that question? Delegate Corn claims that under the bylaws, we can only have --

MS. SIMMONS: That is one that is listed, but I don't believe that is the only reason that one may have an executive session.

MS. CORN: Look at the rules.

MR. BRUNING: Rule 5.6(a)(2), Gloria.

MS. SIMMONS: Mr. President, I would like then to move that we suspend the rules to have a 20-minute executive session. I think that this body has a right to engage and commune with itself, to talk, to educate, to understand, and to deepen our knowledge and our understanding of the issues and each other.

No action is going to be taken, and I don't see why that cannot be done among intelligent and mature people who have a very serious responsibility, and I would like to see us

ferment that opportunity.

PRESIDENT CASSELL: Delegates Robinson, Bruning, Marcus.

MR. ROBINSON: Rule 5.6, section (a): "All convention sessions and all committee meetings shall be open to the public at all times." However, section (1) under rule 5.6 states, "However, the convention or any committee may decide by an affirmative vote of two-thirds of those delegates present and voting to hold an executive session. No executive session shall be held except to consider confidential personnel matters regarding delegates or staff members."

MS. SIMMONS: Thank you.

PRESIDENT CASSELL: Further discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of the motion, signify by saying aye.

MR. MARCUS: Wait a second; I have further discussion.

PRESIDENT CASSELL: Delegate Bruning, and delegate Marcus.

MR. BRUNING: Yes. It's funny; I just got a form today that said, "Why did you run for this convention, and what issues were you running on." I just jogged my memory.

One of the things I was running on was the sunshine provision and open government.

I was very strongly supportive when the rules came through that the only reason we'd close those, and that was by a two-thirds vote, was for sensitive personnel matters. Unless I am convinced otherwise that we are indeed dealing with exactly that subject, I don't think I will attend a session of this convention that closes itself to the public.

I get paid by the public, I am in some way responsible to the public, and I will hopefully honor that trust. Thank you.

PRESIDENT CASSELL: Marcus?

MR. MARCUS: I have to echo the sentiments of delegate Bruning, and I have to add that I can't possibly vote on this issue unless I have some idea about why I'm being asked to vote to go into executive session.

PRESIDENT CASSELL: Does the maker of the motion want to explain the reason for the executive session?

MS. SIMMONS: Yes, I would be happy to. Mr. President and delegates, I entreat you to give some thought to the fact that this is exceedingly serious and important business that we are about. I believe that, as in every group, there is a variety of levels of interests,

sophistication, knowledge and understanding.

I think we do have an obligation to be helpful to each other and to learn from each other, and I think that sometimes elected officials are not comfortable learning and discussing in a situation where their lack of information may prove embarrassing.

I submit that no action is to be considered. I want to know why we would be fearful of having a few moments of discussion among ourselves about something as important as strategy and development for this constitution, if we really want it to go through, and I don't see why we have to do that in public. I think we can enlighten each other and share our observations with each other without it being a matter of public knowledge.

PRESIDENT CASSELL: Delegate Schrag?

MR. SCHRAG: I move the previous question.

PRESIDENT CASSELL: The question has been called. All in favor of cutting off debate, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Those in favor of the motion to move into an executive session for a period of 20 minutes,

please signify --

MS. CORN: Point of order. It would be to suspend the rules.

(Delegate Kameny entered the room to the applause of the body.)

(Pause.)

PRESIDENT CASSELL: Delegate Simmons, a question has been raised regarding whether this has to do with a personnel matter with staff or delegates. Does this matter classify?

MS. SIMMONS: It classifies with regard to delegates, not staff.

PRESIDENT CASSELL: Could you be a little more specific than that?

MS. SIMMONS: Well, if we're going to discuss it and have a discussion of the motion, there's no point in having the executive session. Mr. President, when you called to my attention that the two exceptions were not sufficiently broad to permit this item, I moved to suspend the rules.

MR. T. MOORE: Two-thirds.

MS. SIMMONS: Yes, I am aware of that.

PRESIDENT CASSELL: Is there a second to suspend the rules?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we suspend the rules for the purposes of having an executive session for a period of 20 minutes. Discussion?

MR. SCHRAG: Point of order. Debate has been closed.

PRESIDENT CASSELL: How so?

MR. SCHRAG: I moved the previous question and it was seconded, and the body voted for it.

PRESIDENT CASSELL: No.

MS. CORN: The body did not vote to suspend the rules yet; you need a two-thirds vote.

PRESIDENT CASSELL: The President did not call the previous question.

Delegate Simmons, would you care to withdraw the motion to suspend in light of the fact that you have asked for an executive session to discuss a matter concerning the delegates? The Chair rules that that is sufficient.

MS. SIMMONS: That is sufficient?

PRESIDENT CASSELL: That is sufficient.

MS. SIMMONS: So, I can move to withdraw the suspension?

PRESIDENT CASSELL: Yes.

MS. SIMMONS: I withdraw the motion to suspend the

rules.

PRESIDENT CASSELL: Okay. Then the motion that is on the floor is to have an executive session for a period of 20 minutes to discuss a matter dealing with the delegates, and that is in accordance with the rules.

MS. CORN: Point of order. Mr. President, the rules are very clear that the sessions must be open, and the only way there can be an executive session is on a personnel matter dealing with the delegates or the staff. Therefore, the only way you can have an executive session is by suspension of the rules. That requires a two-thirds vote. That is on page 21, sir, rule 5.6.

PRESIDENT CASSELL: All right, let the President read rule 5.6. "All convention sessions and all committee meetings shall be open to the public at all times. However, the convention or any committee may decide by two-thirds of those delegates present and voting to hold an executive session." Number 2: "No executive session shall be held except to consider confidential personnel matters regarding delegate or staff matters."

MS. CORN: Sir--

PRESIDENT CASSELL: Please, delegate Corn, we have been through this many times before. Let me ask you if you

can restrain yourself and wait to be recognized. It is disruptive. I'm not going to recognize you when you blurt out.

"No executive session shall be held except to consider confidential personnel matters regarding delegates or staff members." The maker of the motion has indicated that the basis for this motion is to consider a matter concerning delegates, and we cannot consider the motion and we cannot discuss the personnel until such time as we go into executive session.

MS. EICHHORN: Point of order.

PRESIDENT CASSELL: Now, if, in the course of the executive session, it is believed that this is not in accordance with this rule, we'll have an opportunity to say so then.

Point of order?

MS. EICHHORN: Yes.

PRESIDENT CASSELL: State your point of order, please.

MS. EICHHORN: I would like for delegate Simmons to state that this is clearly a matter that concerns convention personnel and delegates.

PRESIDENT CASSELL: Delegate Eichhorn, that is not a point of order.

Delegate Clark?

MR. CLARK: Mr. Chairman, if I heard you correctly, the rule said "personnel matters regarding delegates or staff." So, if it pertains to delegates, it must pertain to personnel matters about delegates. I do not know of any challenge to any delegate as it pertains to that delegate's personnel character in the convention.

My understanding from what I have heard in the moment that I've been here is that we are going to talk about delegate attitudes and reconsideration of an item that was considered last night. I consider that inappropriate for an executive session.

I will vote against the executive session; I will not participate in an executive session that is not within the rules.

PRESIDENT CASSELL: Thank you. Further discussion of the motion? Delegate Corn?

MS. CORN: Sir, it seems to me that the big question here is a matter of reading. Many people have read this as "personal"; it's "personnel," and that is what Council member Clark has tried to bring out.

I'd also like to request that since you're going to hold this vote, it be a roll call vote.

PRESIDENT CASSELL: Further discussion? Delegate Simmons?

MS. SIMMONS: Mr. President, mine was not a dilatorious intent, and since I see that it is relegating itself to that, I withdraw the motion at this time.

(Applause.)

PRESIDENT CASSELL: Let the President say this. This is the third night that we will be considering a particular proposal, and that is the proposal of the judiciary branch. I'm sure that none of us is pleased with the progress or the style of our consideration.

There has been considerable chaos, disrespect for the right of people to speak, and interruptions. There may possibly have been some dilatory attitudes. Now, we'd like to finish with this tonight. One of the problems that the President sees that we face is obstruction that does not contribute to the completion of the consideration of the proposal.

It is time for this convention to consider how it functions. It is time for us to consider respect, first of all, for the Chair and respect for the speakers. We have not been able to do that. I'm certain that each of us is sincere in our desire, first of all, to follow the rules and to move

as expeditiously as possible.

It is time for us to have an executive session to talk to ourselves about our procedures, lest we not complete anything. The procedures we've been following have not been successful. Now, if there is an agreement that that is a fact -- and I'm certain that every one of us has as his first priority completing our appointed task within the appointed time, and I'd like suggestions from anybody in this convention before we begin the kind of process that we've followed up to now, which I'm certain nobody loves, regarding a remedy. And this remedy is not to assess blame on one or more individuals, but to improve the process.

May I have any suggestions from anybody, if we don't want to go into executive session? It may be that we can remedy that without doing so. Delegate Feeley?

MS. FEELEY: Mr. President, the first thing, it seems to me, that maybe we need to deal with -- I hope no one will feel offended -- but maybe, as President, you need to appoint an ad hoc committee on decorum. Inasmuch as our rules do not allow for a sergeant-at-arms, maybe we do need a committee on decorum that would serve the same function as a sergeant-at-arms.

Maybe that committee should have the responsibility

of tapping delegates on the shoulder when they are out of order precipitously, once you have indicated to a delegate that she or he is out of order and that delegate persists in raising commotion inasmuch as it does deter the process.

So, maybe that's one thing we could do, have an ad hoc committee on decorum; that's one thing that could be done. And if that committee can't urge the delegate into quiet or restraint, then maybe we need to call in the guard to escort the person from the hall until such time as that person has gotten himself or herself together. That's one approach to tackle the problem.

A second approach to tackle the problem of time may very well be that we have to reconsider some of the things we have said about the time that we would take from our various jobs in order to have more time to deliberate these various articles so as not to move too hastily in making decisions.

Of course, I would remind the delegates that, indeed, we do have second readings and third readings, when other kinds of decisions could be made on articles. Those are two possible suggestions, Mr. President, that maybe we need to deal with.

PRESIDENT CASSELL: Delegate Robinson?

MR. ROBINSON: Samuel Robinson, Ward 5.

I, too, am very concerned about the direction in

which this convention is going, and I would state unequivocally that it is the complete deviation from those rules that we established for this convention, and I would say that the deviation is from the very top echelons of this convention, to the lowest delegate.

Until such time as we adhere to the rules of this body, then the convention will continue in the mixed-up manner that it's now in. Also, sir, I would like to say that something must be done to control the temperament of some of our members. Until such time as there is adherence to the rules and the temperament of some of our members is brought under control, nothing substantive will be achieved by this body.

PRESIDENT CASSELL: Any further comments on delegate Feeley's suggestion? Delegate Johnson?

MS. JOHNSON: Sandra Johnson, Ward 7.

I have a proposal that I have shared earlier this evening with delegate Robinson, the Chair of the Rules and Calendar Committee, to get his feedback on the feasibility of introducing this as a motion to the delegates. It concerns our putting time constraints on our debate so that we can mov ahead and complete the readings of these articles with as little confusion as possible, trying to keep to the schedule that we have established.

I feel at this point that it is very essential, although we did not do this earlier, we now establish some kind of time constraints, because otherwise I think everyone in this room realistically knows we will never finish this job.

So, I guess what I'm saying is I would like to introduce my proposal here at the time that the Chair feels it is appropriate, understanding, of course, that it would requir a suspension of the rules as they now stand. It's my effort to try to be helpful in moving the work of this convention along.

PRESIDENT CASSELL: Thank you very much. Delegate Paramore?

MR. THOMAS: Point of order, Mr. Chairman.

PRESIDENT CASSELL: Yes?

MR. THOMAS: I request we move forward on the business of the day, because Ms. Mason has something she has to do and Mr. Clark has something he has to do.

PRESIDENT CASSELL: It has been requested that we not delay the beginning of our consideration of the judiciary proposals any further. The President is going to appoint a committee on decorum to make some recommendations to the body. Decorum means that we will conduct ourselves suggesting conduct which would lead to more expeditious, courteous and

effective address of the task before us, which is to consider and adopt proposals.

There shall be five people on the committee, and if these individuals accept, I would ask them to report back to this convention by the end of the week with recommendations for improving the course of conduct of this convention. Those members shall be Anita Shelton, Jeanette Feeley, Charles Mason, Frank Kameny, and James Coates.

Do those individuals accept service on a committee to develop recommendations regarding decorum within the convention? After such acceptance, we will consider the judiciary proposals.

MR. COATES: I accept, sir.

PRESIDENT CASSELL: Very good.

MS. FEELEY: I accept, too.

PRESIDENT CASSELL: Hearing no declinations, that committee will make its report by Monday. Is that a reasonable time for the members of that committee?

MR. COATES: Yes.

PRESIDENT CASSELL: Thank you very much.

MS. SHELTON: Mr. President, I do not think that I would be able to serve on such a committee

PRESIDENT CASSELL: Thank you. Delegate Paramore?

MS. PARAMORE: You called on me, right?

PRESIDENT CASSELL: Yes. Would you be willing to serve on this committee?

MS. PARAMORE: Yes, I will serve.

PRESIDENT CASSELL: Thank you. Delegate Baldwin?

MR. BALDWIN: Mr. President, I move to reconsider the action taken on the Jordan amendment as it relates to section 3.10 of the judiciary proposals.

(The motion was duly seconded.)

MR. BALDWIN: I voted for the amendment, and after talking with several of my constituents, I feel it is in the best interests of the public that we, in fact, reconsider this motion.

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we reconsider the action taken yesterday on item 3.10, the Jordan amendment to 3.10. Discussion?

MR. B. MOORE: Point of order.

PRESIDENT CASSELL: Point of order. State your point of order.

MR. B. MOORE: Mr. President, last evening as we

adjourned, there was some confusion about my proposal that I wanted to make after Mr. Jordan had submitted his. And it was explained to me then that --

PRESIDENT CASSELL: I'm afraid you're not speaking to the motion on the floor. I understand you want some information on that, and we're now considering the motion that is on the floor. The motion on the floor is for reconsideration.

Further discussion on the motion by delegate Baldwin?

MR. B. MOORE: Isn't that a point of order, though?

PRESIDENT CASSELL: I'm afraid not. A point of order is a question about procedure. I think there's a question you need to ask, but not at this time; it's not on this motion. It doesn't speak to this motion.

Further discussion on delegate Baldwin's motion? Delegate Corn?

MS. CORN: I found it very interesting that last night, after the vote was taken, one of the delegates immediately called for adjournment. The first order of busines today is that we reconsider this motion. I know that many of you have been lobbied by either delegates or constituents, as I have been.

PRESIDENT CASSELL: Delegate Corn, the motion is to reconsider.

MS. CORN: Right.

PRESIDENT CASSELL: We may have opinions about the motives for that, but the discussion is on the merits of the motion.

MS. CORN: If you'll let me continue, sir, I will get to that.

PRESIDENT CASSELL: You'll have to continue in a different vein, and you cannot reflect upon the motives of people. It is not only unfair and unreasonable, but it doesn't contribute to the resolution of the issue.

MS. CORN: Please, may I finish without being interrupted?

PRESIDENT CASSELL: I'm saying to you that you have the floor, but you have to proceed in accordance with the rules.

MS. CORN: I think it's very interesting that this reconsideration has occurred the minute we've started again on the judiciary. I find it interesting for a number of reasons.

I find it interesting that while last night, there was considerable debate -- and I did not take part in that

debate; I listened, and listened assiduously. Today, I called many of my constituents, three lawyers and two judges. It's interesting that some of the arguments that were brought up last night against the Jordan amendment were, in fact, the very reasons to vote down 3.10.

It was brought out that Ab Jordan's amendment would make the judicial system a political system. Interestingly enough, if you look at it very closely, by allowing a tenure commission to --

MR. KAMENY: Point of order.

MS. EICHHORN: Point of order.

PRESIDENT CASSELL: State your point of order.

MR. KAMENY: That addresses the matter to reconsider if we reconsider. It does not address the motion to reconsider

MR. COATES: That's exactly right.

PRESIDENT CASSELL: All right, thank you. Delegates Mason, Love, Simmons, Clark. Delegate Mason?

MS. MASON: I did not address the Chair.

PRESIDENT CASSELL: I'm sorry; I was looking at you, delegate Simmons. Delegates Jones?

MS. JONES: Theresa Jones, delegate from Ward 8.

Now, I'm in a bit of confusion, so I'm rising on a point of information, if I may have it. I'd like to know from

the Secretary who voted for that motion, because I'd like to know if Mr. Baldwin voted for it yesterday and if Ms. Shelton, who seconded, voted for it yesterday.

MR. BALDWIN: The motion says that I voted for it.

MS. JONES: I'd like for the Secretary to tell me, delegate Baldwin.

MR. BALDWIN: Thank you.

MS. SHELTON: Point of personal privilege.

PRESIDENT CASSELL: State your point.

MS. SHELTON: I did not second the motion.

MS. JONES: Well, for the record, I would like for you to tell me about the person who seconded the motion.

MR. COOPER: Mr. Robinson seconded the motion.

MS. JONES: Well, I'd like to know if delegate Sam Robinson voted for it.

PRESIDENT CASSELL: The question is addressed to the secretary. Mr. Secretary?

MS. JONES: Mr. Secretary, would you please document those two things for me from the roll call yesterday?

MR. COOPER: Delegate Baldwin voted in favor of the substitute. Delegate Robinson voted against the substitute.

MR. ROBINSON: Mr. President, may I discuss that? The seconder of the motion does not have to have voted with th

prevailing side. Only the mover of the motion needs to have voted with the prevailing side.

MS. JONES: I think Mr. Robinson, getting up and acting that way, ought to be first spoken to by your committee on decorum.

PRESIDENT CASSELL: All right. Delegate Love?

MR. LOVE: Mr. Chair, I would like to speak against this motion. We've heard a long debate tonight about how we're behind time and we'd like to move on. Certain people are asking us to move backwards, and I urge people to move on and vote no.

PRESIDENT CASSELL: Delegate Marcus?

MR. MARCUS: I'll pass.

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: I too would like to speak against the motion for the reasons iterated by delegate Love. I think this will throw us into a lengthy debate that's not necessary. I, for one, do not like being tied up in lengthy, unnecessary debates, and I think that if we reconsider this thing, it will cause more hard feelings that are unnecessary. So, I urge my fellow delegates to vote the reconsideration down.

PRESIDENT CASSELL: Delegate Clark?

MR. CLARK: In order to avoid all this debate, I

move the prior question.

(The motion was duly seconded.)

MR. LOVE: Point of order. Delegate Clark was not recognized.

PRESIDENT CASSELL: Delegate Simmons?

MR. CLARK: I just moved the prior question.

MS. SIMMONS: I really wanted to make only two points. One, I was rising to say that the very fact that the motion says in itself to reconsider, implicit in that is the fact that something has gone on in between, like maybe some additional information, some deliberative thinking, some strategizing, or what have you. So, that's implicit. I think that the term itself gives us that right.

The second issue I wish to raise is that I do not understand why we would be inhibited about giving any second thoughts to actions we've taken. If it was defensible and solvent yesterday, I'm very sure that what will be shared will be that which is defensible and solvent.

If, on the other hand, there is new data and new information and additional, solvent and sensible kinds of suggestions, I would hope that we would not shrink from entertaining additional information. I think that what is the most important factor here is whether we're going to end up

with a credible document that will serve this citizenry well.

I don't think we have to put all of our personal idiosyncratic behaviors into the document. We're going to have a legislature that's going to be able to function after the document is passed. We're going to elect those people, and I think that we ought not be reticent to give deliberative thought to what action we've taken.

PRESIDENT CASSELL: Are you speaking for the motion?

MS. SIMMONS: Yes.

PRESIDENT CASSELL: Delegate Clark?

MR. CLARK: I move the prior question, Mr. Chairman. I was in order; my name was called. I moved the prior question.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded. Delegate Coates?

MR. COATES: Yes, sir. I want to speak against this reconsideration, sir.

PRESIDENT CASSELL: All right, you may speak. There were two for and two against.

MR. CLARK: Are you ignoring my motion?

PRESIDENT CASSELL: I ignored that, delegate Clark, because our policy is to allow two for and two against.

MR. COATES: I'm James Coates and I'm a delegate from Ward 8.

It seems to me that the only statement we've had presented to us in support of reconsideration is the statement of the distinguished Vice President from Ward 7 who, in his own person, represents only one representative among the five from Ward 7, and who refers vaguely to "some constituents."

This is a city consisting not only of some constituents in Ward 7, but it consists of constituents broadly across this city. To this very moment, there has been no groundswell of opposition to what we adopted last night articulated in the media or mass communications.

The distinguished Washington Post newspaper, in addressing this matter in today's editions, did not indicate on the part of those parties that impact on decision-making in this city any significant opposition to what we have done.

It seems to me that the evidence for reconsideration is so scanty, we ought not to hold this convention hostage to pedestrian and fragmented opposition. If we succumb to it in this particular thing, who knows, with respect to anything else which is the will of this body, if we will be reversed because one delegate says some constituents oppose the action?

MR. BALDWIN: The previous question has been asked for; it meets all the requirements of our rules. Therefore, there can be no more debate. We must immediately vote.

MS. CORN: Point of order, Mr. Chairman.

MR. BALDWIN: We must immediately vote, Mr. Chairman; it meets all the requirements.

MS. CORN: Point of order. In the rules, it says --

PRESIDENT CASSELL: Delegate Corn, you have not been recognized and I ask you to sit down.

MS. CORN: A point order does not need to be recognized.

PRESIDENT CASSELL: There's no way for you to speak until you're recognized.

MS. CORN: Points of order do not have to be recognized under our rules. It says, "Main motions other than those approving constitutional provisions."

PRESIDENT CASSELL: Delegate Eichhorn?

MS. EICHHORN: I call the question.

(The motion was duly seconded.)

PRESIDENT CASSELL: The previous question has been called and seconded. Those in favor of cutting off debate, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There were five "nays.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: The motion carries.

Those in favor of the motion to reconsider, signify by raising your hands, please.

MS. CORN: Roll call vote, please.

PRESIDENT CASSELL: Those in favor of reconsideration will signify by responding "yes" in a roll call vote.

MS. CORN: Roll call vote.

MR. BALDWIN: He called for a roll call.

PRESIDENT CASSELL: We must pay attention. A roll call vote has been called for. Mr. Secretary?

MR. JACKSON: Is the roll call vote on reconsideration?

PRESIDENT CASSELL: Yes.

MR. JACKSON: Thank you.

MR. COOPER: Delegate Corn?

MS. CORN: No.

MR. COOPER: Delegate Croft?

(No response.)

MR. COOPER: Delegate Eichhorn?

MS. EICHHORN: Yes.

MR. COOPER: Delegate Feeley?

MS. FEELEY: No.

MR. COOPER: Delegate Freeman?

MS. FREEMAN: Yes.

MR. COOPER: Delegate Garner?

(No response.)

MR. COOPER: Delegate Graham?

(No response.)

MR. COOPER: Delegate Harris?

MS. HARRIS: Yes.

MR. COOPER: Delegate Holmes?

MS. HOLMES: No.

MR. COOPER: Delegate Jackson?

MR. JACKSON: No.

MR. COOPER: Delegate Johnson?

MS. JOHNSON: Yes.

MR. COOPER: Delegate Jones?

MS. JONES: No.

MR. COOPER: Delegate Jordan?

MR. JORDAN: No.

MR. COOPER: Delegate Kameny?

MR. KAMENY: Yes.

MR. COOPER: Delegate Lockridge?

MS. LOCKRIDGE: No.

MR. COOPER: Delegate Long?

MR. LONG: Yes.

MR. COOPER: Delegate Love?

MR. LOVE: No.

MR. COOPER: Delegate Maguire?

MS. MAGUIRE: Yes.

MR. COOPER: Delegate Marcus?

MR. MARCUS: Yes.

MR. COOPER: Delegate Charles Mason?

MR. MASON: Yes.

MR. COOPER: Delegate Hilda Mason?

MS. MASON: Yes.

MR. COOPER: Delegate Brian Moore?

MR. B. MOORE: Yes.

MR. COOPER: Delegate Jerry Moore?

(No response.)

MR. COOPER: Delegate Talmadge Moore?

MR. T. MOORE: Yes.

MR. COOPER: Delegate Nahikian?

(No response.)

MR. COOPER: Delegate Nixon?

(No response.)

MR. COOPER: Delegate Oulahan?

MR. OULAHAN: Yes.

MR. COOPER: Delegate Paramore?

MS. PARAMORE: No.

MR. COOPER: Delegate Robinson?

MR. ROBINSON: Yes.

MR. COOPER: Delegate Rothschild?

MR. ROTHSCHILD: Yes.

MR. COOPER: Delegate Schrag?

MR. SCHRAG: Yes.

MR. COOPER: Delegate Shelton?

MS. SHELTON: No.

MR. COOPER: Delegate Simmons?

MS. SIMMONS: Yes.

MR. COOPER: Delegate Street?

MS. STREET: No.

MR. COOPER: Delegate Terrell?

(No response.)

MR. COOPER: Delegate Thomas?

MR. THOMAS: Yes.

MR. COOPER: Delegate Warren?

MS. WARREN: No.

MR. COOPER: Delegate Baldwin?

MR. BALDWIN: Yes.

MR. COOPER: Delegate Barnes?

MR. BARNES: No.

MR. COOPER: Delegate Blount?

MR. BLOUNT: Yes.

MR. COOPER: Delegate Bruning?

MR. BRUNING: No.

MR. COOPER: Delegate Clark?

MR. CLARK: Yes.

MR. COOPER: Delegate Coates?

MR. COATES: No.

MR. COOPER: Delegate Cooper, no.

Delegate Cassell?

PRESIDENT CASSELL: No.

MR. COOPER: Delegate Rothschild?

MR. ROTHSCHILD: Abstain.

MR. COOPER: Delegate Croft?

MR. CROFT: No.

MR. COOPER: Mr. President, the vote stands 20 in favor of reconsideration, 18 not in favor, and one abstention.

PRESIDENT CASSELL: The vote to reconsider fails for lack of a two-thirds majority.

MS. HARRIS: It doesn't fail.

MR. BALDWIN: Simple majority.

PRESIDENT CASSELL: The Chair has been advised that this requires only a simple majority. Therefore, the motion passes to reconsider.

Delegate Love?

MR. LOVE: Mr. Chair, due to what appears to be a straight division, or very close to a straight division on this question, I'd like to move that this section be returned to the committee for them to come up with a compromise that we can get a little bit better support for.

(The motion was duly seconded.)

MR. CLARK: Point of order.

PRESIDENT CASSELL: Delegate Clark?

MR. CLARK: Does not the rule for reconsideration say that if the reconsideration matter passes, the original motion comes back for a vote?

MR. BALDWIN: Yes, it does.

MR. CLARK: Then the matter, Mr. Chairman, is back before us for a vote and we now vote.

MR. BALDWIN: The Chair understands that.

MS. CORN: Point of order, Mr. Chair.

PRESIDENT CASSELL: Delegate Jordan?

MR. JORDAN: As I understand the motion for reconsideration, Mr. Chair, it says "a main motion other than those approving constitutional provisions." Now, the motion that we approved last night was indeed a constitutional provision. Therefore, Mr. Chairman, this motion to reconsider is out of order.

(Applause.)

MR. BALDWIN: Mr. Chairman, I'm sure that delegate Jordan understands that when our rules are absent, we refer back to Roberts Rules of Order.

MR. COOPER: It's not absent; they are clear.

MS. CORN: Point of order, Mr. President.

(Pause.)

PRESIDENT CASSELL: Fellow delegates, delegate Jorda has referred to page 18 of the rules, item number (o), "Motion to Reconsider." "A motion to reconsider may apply to these motions," and the motions that it may apply to are main motions other than those approving constitutional provisions.

I'll read that again now. "A motion to reconsider may apply to these motions: main motions other than those approving constitutional provisions." Constitutional provision Artile 310, for which a motion was passed to reconsider, is indeed a constitutional provision. Therefore,

delegate Jordan, you have made a point. The action that we just took was contrary to the rules. We cannot approve or expand, even though we have taken the action, action which is contrary to the rules. The Chair declares that the motion just passed is out of order.

Delegate Long, delegate Love, delegate Moore.

MR. LONG: I wish to make an appeal to the ruling of the Chair on the following grounds. The rule, as cited in our rules, defines what reconsideration can be applied to. However, at the beginning of chapter 4, it states that Roberts Rules of Order shall govern the conduct of the convention in all instances in which the convention rules are silent.

Now, I interpret the wording under the section just cited as being silent on the question of constitutional provisions, in which case we would have to revert to Roberts Rules of Order to decide whether or not we could reconsider such provisions.

On those grounds, I believe the ruling of the Chair is incorrect.

PRESIDENT CASSELL: Delegate Feeley?

MR. CLARK: Point of order.

PRESIDENT CASSELL: Point of order?

MR. CLARK: When there's an appeal, I believe the

person making the appeal states their reason for the appeal, the Chair defends himself, and then we vote.

PRESIDENT CASSELL: Well, that process has taken place.

MR. CLARK: You defend yourself, and then we vote on the appeal.

MR. BALDWIN: That's what the rules say.

PRESIDENT CASSELL: Thank you.

MR. LOVE: Point of information.

MS. EICHHORN: Point of information.

PRESIDENT CASSELL: Delegate Eichhorn and delegate Love, points of information.

MS. EICHHORN: My point of information is I would like to know if the provision we adopted last night, the Jordan substitute, was a motion or a constitutional provision because it seems to me a constitutional provision is an article that has been approved. We're in the process of approving motions toward adopting an article.

At this point, it seems to me that it is a motion, not a constitutional provision. We have not adopted any articles.

MR. BALDWIN: Point of order, Mr. President.

PRESIDENT CASSELL: Point of order.

MR. BALDWIN: The President should relinquish the Chair and we'll carry on, according to our rules.

MR. BRUNING: We can't hear you.

MR. BALDWIN: My point of order is that the President should at this time relinquish the Chair and we'll carry on with the voting. All these other hands are out of order, and our rules specifically state that. You are appealing a ruling of the Chair, and our rules specifically state what procedure we should follow. All I'm saying is let's just follow that procedure.

Why are you saying no? You can read; the rules say what procedure we should follow. That's my point of order, Mr. President.

PRESIDENT CASSELL: The point of order has been that when an appeal to the ruling of the Chair is made, that is stated, the Chair defends himself, and we vote.

MR. BALDWIN: Right.

PRESIDENT CASSELL: The Chair is prepared to defend the ruling made.

MS. HARRIS: Read the rule.

PRESIDENT CASSELL: The Chair would like to continue

MS. CORN: Point of order, please, Mr. President.

PRESIDENT CASSELL: Let me review the basis for the

Chair's ruling. The action that we took last night, according to the Chair, was the adoption of a constitutional provision. Any particular part of this constitution which is adopted as a provision is a part thereof.

Item number (o), as I've stated before -- and this is in defense against the appeal -- is the kind of motion; the kind of motion is to reconsider. It may apply to these kinds of motions: main motions other than those approving constitutional provisions. It is on that basis that the Chair rules that the motion to reconsider and the vote on the motion to reconsider were out of order and therefore are null and void.

The rules now indicate that the Chair having defended himself, we vote. In order to overrule the Chair, there must be a two-thirds vote. The Chair would now like to call for the vote.

Those in favor of sustaining the ruling of the Chair will signify by raising your hands.

MS. CORN: To sustain the Chair?

PRESIDENT CASSELL: Those in favor of sustaining the ruling of the Chair --

MR. BALDWIN: Roll call, please.

MS. SIMMONS: Roll call.

PRESIDENT CASSELL: A roll call has been called.

MR. COOPER: That's only two.

PRESIDENT CASSELL: May I see the hands of those who want a roll call?

(Four hands were raised.)

PRESIDENT CASSELL: There are four. Mr. Secretary, roll call.

MS. CORN: We need five, sir.

PRESIDENT CASSELL: You are out of order. Would you please be quiet? We're in a better position to count than you are sitting on the floor.

(Pause.)

PRESIDENT CASSELL: A question has been raised. Did we get a second to the motion to appeal?

MR. COATES: No second, sir.

MR. BALDWIN: Yes, it was seconded.

PRESIDENT CASSELL: Did we get a second?

MR. THOMAS: Yes, I seconded it.

PRESIDENT CASSELL: Who seconded it?

MS. HARRIS: I did.

MR. THOMAS: I did, too.

PRESIDENT CASSELL: Delegate Harris seconded.

MR. KAMENY: Call the roll, please. Let's not waste

more time.

PRESIDENT CASSELL: That outburst is in order.

MR. KAMENY: Thank you.

PRESIDENT CASSELL: If you are in favor of sustaining the Chair on the previous ruling, vote yes. If you are in favor of the challenge to the Chair, vote no.

Mr. Secretary?

MR. COOPER: Delegate Croft?

MR. CROFT: Yes.

MR. COOPER: Delegate Eichhorn?

MS. EICHHORN: No.

MR. COOPER: Delegate Feeley?

MS. FEELEY: Yes.

MR. COOPER: Delegate Freeman?

MS. FREEMAN: No.

MR. COOPER: Delegate Garner?

(No response.)

MR. COOPER: Delegate Graham?

(No response.)

MR. COOPER: Delegate Harris?

MS. HARRIS: No.

MR. COOPER: Delegate Holmes?

(No response.)

MR. COOPER: Delegate Jackson?

MR. JACKSON: Yes.

MR. COOPER: Delegate Johnson?

MS. JOHNSON: No.

MR. COOPER: Delegate Jones?

MS. JONES: Yes.

MR. COOPER: Delegate Jordan?

MR. JORDAN: Yes.

MR. COOPER: Delegate Kameny?

MR. KAMENY: No.

MR. COOPER: Delegate Lockridge?

MS. LOCKRIDGE: Yes.

MR. COOPER: Delegate Long?

MR. LONG: No.

MR. COOPER: Delegate Love?

MR. LOVE: Yes.

MR. COOPER: Delegate Maguire?

MS. MAGUIRE: No.

MR. COOPER: Delegate Marcus?

MR. MARCUS: No.

MR. COOPER: Delegate Charles Mason?

MR. MASON: No.

MR. COOPER: Delegate Hilda Mason?

MS. MASON: No.

MR. COOPER: Delegate Brian Moore?

MR. B. MOORE: Abstain.

MR. COOPER: Delegate Jerry Moore?

(No response.)

MR. COOPER: Delegate Talmadge Moore?

MR. T. MOORE: Yes.

MR. COOPER: Delegate Nahikian?

(No response.)

MR. COOPER: Delegate Nixon?

(No response.)

MR. COOPER: Delegate Oulahan?

MR. OULAHAN: No.

MR. COOPER: Delegate Paramore?

MS. PARAMORE: Yes.

MR. COOPER: Delegate Robinson?

MR. ROBINSON: No.

MR. COOPER: Delegate Rothschild?

MR. ROTHSCHILD: Yes.

MR. COOPER: Delegate Schrag?

MR. SCHRAG: No.

MR. COOPER: Delegate Shelton?

MS. SHELTON: Yes.

MR. COOPER: Delegate Simmons?

(No response.)

MR. COOPER: Delegate Street?

MS. STREET: Yes.

MR. COOPER: Delegate Terrell?

(No response.)

MR. COOPER: Delegate Thomas?

MR. THOMAS: No.

MR. COOPER: Delegate Warren?

MS. WARREN: Yes.

MR. COOPER: Delegate Baldwin?

MR. BALDWIN: No.

MR. COOPER: Delegate Barnes?

MR. BARNES: Yes.

MR. COOPER: Delegate Blount?

MR. BLOUNT: No.

MR. COOPER: Delegate Bruning?

MR. BRUNING: Yes.

MR. COOPER: Delegate Clark?

MR. CLARK: No.

MR. COOPER: Delegate Coates?

MR. COATES: Yes.

MR. COOPER: Delegate Cooper, yes.

Delegate Corn?

MS. CORN: Yes.

MR. COOPER: Delegate Cassell?

PRESIDENT CASSELL: Yes.

MR. COOPER: Mr. President, the vote stands 20 in favor of sustaining the Chair, 17 in favor of overruling the Chair, and one abstention.

MS. CORN: The Chair is upheld.

PRESIDENT CASSELL: The Chair is upheld. The motion to rule that the action we took in reconsidering was out of order stands.

Delegate Blount?

MR. BLOUNT: I move adoption of section 3.11, "Requirement for Judicial Office."

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that -- what's the article?

MR. BLOUNT: "Requirement for Judicial Office," section 3.11.

PRESIDENT CASSELL: Okay, 3.11.

Delegate Moore?

MR. B. MOORE: Yes. I just want a clarification and

interpretation from the Chair on the situation last night that was not resolved. You said you would explain it.

PRESIDENT CASSELL: Let's let the parliamentarian respond to that.

MR. BALDWIN: Delegate Moore, you can only have one substitute motion. Delegate Jordan had a substitute motion. Therefore, it was impossible for you to place a substitute motion on the floor, and that's in Roberts Rules of Order. You just can't have two substitute motions. Both of you cannot bring a substitute motion at the same time.

Had delegate Jordan's motion lost, you would be in order to bring in a substitute motion, but the main motion would still be on the floor. Delegate Jordan's motion passed, amending the original motion. Therefore, it's not in order for you to come up with a substitute motion.

MR. B. MOORE: That was based on Roberts Rules?

MR. BALDWIN: Yes.

PRESIDENT CASSELL: Delegate Bruning?

MR. BRUNING: Yes. I wonder whether or not we actually adopted 3.10 in a formal vote. I would like to ask the Secretary.

MR. COOPER: Yes, we adopted it.

MR. THOMAS: Mr. President, point of order, please.

PRESIDENT CASSELL: Yes?

MR. THOMAS: Mr. President, I really don't see any more need for this Judiciary Committee to function. I would like at this point, since we've had so many problems, to resign from the committee because everything that we've spent time for has been lost. I really don't see why we should go on.

Everything in the constitution that we have proposed has to be revised all over again, and I'm not in a position at this time to defend it.

PRESIDENT CASSELL: Let me respond to that.

MR. OULAHAN: Mr. Chairman, I join my fellow committee member.

PRESIDENT CASSELL: I'm sorry; I didn't recognize you, sir.

Delegate Thomas, I don't think that's entirely accurate; each one of the sections has not been. I can understand the frustration and the continued challenge of that, but I would urge --

MR. THOMAS: There's no way in the world I could spend every night here working on something that got fouled up in this convention the way that it has. I think we've been treated very badly on the whole situation, and I cannot serve

on that committee again.

PRESIDENT CASSELL: Let me ask you to hold that, please; hold that until the end of the meeting today.

MR. THOMAS: No.

PRESIDENT CASSELL: Delegate Eichhorn?

MS. EICHHORN: I do not share those views, but there is a matter of making some appropriate revision so that the remainder of the article conforms to that which has been adopted. I wonder if we could consider coming back at some later point and making changes that reflect that.

PRESIDENT CASSELL: Delegate Blount, your response to that?

MR. BLOUNT: Mr. Chairman, while I certainly share the concerns of the two delegates who resigned, as chairman --

PRESIDENT CASSELL: Only one has resigned that I know of.

MR. BLOUNT: Well, two resigned -- Courts and Harry Thomas.

I just want to say that as chairman, my objective still is to have a judicial article passed by the convention, and therefore I will move along as stated.

PRESIDENT CASSELL: Thank you. Delegate Harris?

MS. HARRIS: I support the chair as a member of that

committee. Once the article comes out of the committee, it belongs to the convention, and I think that the convention has a right to question and to discuss every article that comes before it.

We're just one of the first full committees to come out, and I think that before the next two weeks are over, we'l see this done on many occasions. I'm very sorry Mr. Thomas resigned because he has put in a lot of time on the committee. That's all I have to say.

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: Yes. I'd like to speak, like nobody else before me, in favor of the motion that's on the floor.

MS. HARRIS: What's the motion?

MR. BALDWIN: What motion is on the floor?

MS. HARRIS: There's no motion on the floor.

MR. COOPER: The motion is to adopt 3.11, and it was seconded.

PRESIDENT CASSELL: Yes, thank you. Delegate Cooper?

MR. COOPER: I'd like to speak for the adoption of 3.11. I think that the article as it stands is adequate, and I think this convention should move hastily to adopt this article so that we can move on.

PRESIDENT CASSELL: Further discussion on 3.11?

Delegate Schrag?

MR. SCHRAG: Mr. President, I have an amendment at the end of Section 3.11 that I am passing out. This amendment has been discussed with the committee chair and is acceptable to the chair of the committee.

It reads, "No person who holds judicial office shall hold any other office, position of profit, or employment under the state or the United States."

PRESIDENT CASSELL: --Please specify the line.

MR. SCHRAG: This would be at the very end of the section, after line 10 on page 5. It continues, "Any judge who becomes a candidate for an elective office shall thereby forfeit his or her judicial office."

PRESIDENT CASSELL: I don't see that on page 5.

MR. SCHRAG: It's an addition to page 5.

PRESIDENT CASSELL: I see.

MR. SCHRAG: It should be added to page 5. This would be a new paragraph after subsection (e). This is a standard provision, Mr. President, to insure no conflicts of interest in two senses: to insure that judges do not hold other governmental positions while judges, and to insure that judges are not, while judges, running for governor or members of the legislature.

PRESIDENT CASSELL: Okay. What number does this become as a subsection?

MR. BLOUNT: It's just an addition to (e).

PRESIDENT CASSELL: Another paragraph under (e)?

MR. SCHRAG: Another paragraph after (e). It's not within (e); it's after (e).

MS. CORN: Point of information.

MS. FEELEY: Point of information.

PRESIDENT CASSELL: Point of information, delegate Feeley, delegate Corn.

MS. FEELEY: Mr. President, I want to know whether or not the language of the new section from delegate Schrag conflicts in any way with the language of delegate Jordan's provision.

PRESIDENT CASSELL: Delegate Schrag?

MR. SCHRAG: Delegate Feeley, it does not because the candidate up for election to retain his office under section 3.10 is not a candidate for elective office. He is merely a subject of a type of referendum as to whether he shall be retained in office. He is not running for an office. It's not the end of his office; he's the subject of a retention election.

PRESIDENT CASSELL: Delegate Schrag, would it not

help to clarify that to state that any judge who becomes a candidate for an elective office other than to succeed himself?

MS. CORN: Other than for judgeship.

MR. SCHRAG: He is not succeeding himself, Mr. President, and it would not be correct to make that amendment now while we have a provision that provides for appointed rather than elected judgeships. If something we later do in the text should conflict with this, it be cleared up by Style and Drafting. But at the present time, this is the correct language.

PRESIDENT CASSELL: Delegates Corn, Jones, Love.

MS. CORN: As chair of Style and Drafting, I must tell you our job is to clean up the language; it is not to make decisions for this body. Therefore, to make sure that this language in the second sentence is absolutely clean, what I would do is have it read, "Any judge who becomes a candidate for elective office, other than for judgeship, shall thereby forfeit his or her judicial office."

That way, you retain the meaning of the Schrag amendment without in any way damaging the Jordan proposal. I strongly, as chairman of Style and Drafting, urge this specific language.

PRESIDENT CASSELL: Delegate Jones?

MS. JONES: Mr. President, one of the problems that I'm having is, as delegate Corn said, that to me, Style and Drafting would be producing a major language change in this paragraph. I think that the paragraph ought to be written so that it's clearly stated that a judge who, by referendum, becomes a candidate for that office is not -- well, I don't want it to damage the Jordan language. I think that delegate Schrag should correct that so it will be perfectly clear, because Style and Drafting cannot change the language. I mean, they could change a comma or a period or something, but not that.

PRESIDENT CASSELL: Delegate Love?

MR. LOVE: She has made a motion. Are we going to discuss that motion?

MS. CORN: I'm going to make that as a substitute --

PRESIDENT CASSELL: You do not have the floor, so you do not make a motion.

Delegate Love?

MR. LOVE: I want to make another motion, but I think we should finish this one first; maybe Mr. Schrag has another proposal. I'd like to speak on another amendment.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Mr. President, the Schrag amendment deals with the requirement for judicial office, and I don't understand how any delegate could stand up and say, "How does that relate to the Jordan amendment?" It doesn't relate to the Jordan amendment at all, so we'll probably end up spending 20 or 30 minutes arguing about it.

I mean, all of us can read it. It has no relation whatsoever to the Jordan amendment. It just says what the requirements are for judicial office. The Jordan amendment states, "subject to approval or rejection on a non-policy basis." The citizens are just taking a look at the person sitting in office.

In other words, that's not the same as electing a judge. It has nothing to do with any of that; it's just saying a requirement.

MS. HARRIS: Delegate Schrag?

MR. SCHRAG: Madam President, to alleviate the concerns of any delegates who might be concerned about this stylistic point, I'm willing to make a textual modification of this, so that the second sentence would read, "Any judge who becomes a candidate for an elective office in the legislative or executive branches of government shall thereby forfeit his or her judicial office." So, insert the words,

"in the legislative or executive branches of government."

MS. HARRIS: The last sentence would now read, "Any judge who becomes a candidate for an elective office in the legislative or executive branches of government shall thereby forfeit his or her judicial office."

MS. CORN: Point of order.

MS. HARRIS: Yes?

MS. CORN: That does not include things like Senator or House of Representatives.

MS. HARRIS: State your point of order.

MS. CORN: The point of order is that by including the language of the legislative or executive branches, that is not all-inclusive. In fact, that limits it. You do not speak, then, to whether that judge can run for Senator or for the House of Representatives in the United States Congress.

I maintain that Mr. Schrag's addition --

MS. HARRIS: Delegate Corn, this section 3.11, which deals with requirements of judicial office, does not deal with the point that you're raising, which is not a point of order to the inclusion of this in this sentence.

MS. CORN: Yes, it is. He's saying that the -- language he's adding --

MR. SCHRAG: Point of order. That is not a point of

order.

MS. HARRIS: That is not a point of order.

Delegate Jones?

MS. JONES: Yes. I'd like to ask the maker of the motion if this language is all-inclusive for every other elected office of the state.

MR. SCHRAG: The delegate is correct. This language is intended to be all-inclusive for every legislative or executive office in the state or the federal government.

MS. JONES: That's not my question, Madam Chairman, if you're still in the Chair. My question to the maker of this motion is whether or not this language is inclusive of every other elective office in the state.

MR. SCHRAG: This language covers races for the legislature, races for governor, the lieutenant governor, and any other executive offices -- United States Senator, United States Representative, President of the United States, or any other office in the executive or legislative branches of government.

MS. JONES: Okay. Could I ask a second question? Could the maker of the motion change the text to make it clear to me, as just an ordinary citizen, so that I would know that it is inclusive, because when I think of legislative or

executive branch, I only think of those two particular bodies? I don't think of other things because we might decide to elect a dog-catcher or somebody like that, or contract it to the private sector. I'd like for him to put that language in here.

MS. CORN: Madam Chair?

MS. HARRIS: You have not been recognized.

MS. CORN: I'm asking to be recognized.

PRESIDENT CASSELL: Delegate Street?

MS. STREET: The Executive Branch Committee has a similar phrase in their document. This is premature, but I thought I'd bring it up.

MS. CORN: Madam Chair?

PRESIDENT CASSELL: Cooper?

MR. COOPER: In my own opinion, I thought that the amendment as it was first presented to us was sufficient because it stated, "Any judge who becomes a candidate for an elective office shall thereby forfeit his or her judicial office." I think that by leaving it unqualified, it's very clear. By trying to qualify it is how we got the problem, by adding in the legislative or executive branch.

So, I would ask Mr. Schrag if he would be amenable to striking the textual change that he added, because it seems

to be more clear without it.

MR. SCHRAG: Delegate Cooper, if I'm amenable to your suggestion, then I can't be amenable to delegate Feeley's suggestion. It's a choice between the two of you. Therefore, I do not accept your suggestion, and if you want to make an amendment to that effect, you may.

MS. FEELEY: All you have to do is go back to the original language and say "any" rather than "and."

MR. SCHRAG: Yes, I'll accept "any" instead of "and."

MS. HARRIS: Point of information. Therefore, we're deleting the insertion that delegate Schrag put in initially? "In the legislative or executive branches of government" would therefore be deleted?

MR. SCHRAG: If that's what the delegates want, that's acceptable to me.

MS. HARRIS: "Any" qualifies that.

PRESIDENT CASSELL: Okay, let's read that again now. "Any judge who becomes a candidate for any elective office shall thereby forfeit his or her judicial office." Are you ready for the vote on this amendment? Delegate Paramore?

MS. PARAMORE: I call for the previous question.

PRESIDENT CASSELL: The previous question has been moved. All in favor of cutting off debate, signify by saying

aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Those in favor of the amended motion of delegate Schrag, signify by raising your hands, please.

MR. COOPER: Twenty-three.

PRESIDENT CASSELL: Twenty-three. Those opposed?

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The original amendment is on t floor now, as amended. Those in favor of the amendment to number 3.11, as amended, signify by raising your hands, plea

I'm going to read the motion now, as amended. "No person who holds judicial office shall hold any other paid office, position of profit, or employment in the state or t United States. Any judge who becomes a candidate for any elective office shall thereby forfeit his or her judicial office."

Those in favor of that amendment, signify by raising your hands, please.

MR. COOPER: Twenty-two.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

(One hand was raised.)

PRESIDENT CASSELL: The main motion is the adoption of 3.11, as amended. Those in favor --

MS. CORN: Further discussion, please.

PRESIDENT CASSELL: You're going to have to learn to keep quiet, you know. It really doesn't help.

Delegate Love?

MR. LOVE: I'd like to make another amendment, since I can no longer ask questions without debate. The current proposal requires that you practice law in the District for five years to be a judge, but you don't have to live here for five years. I don't quite understand why you should have to practice law here for five years and only have to live here for one year to become a judge.

So, I would move to substitute -- "a bonafide resident of the state and maintain an actual place of residenc in the state for one year" -- I want to replace the word "one"

with the word "five."

(The motion was duly seconded.)

MR. BLOUNT: Mr. Chairman, I would suggest that those kinds of changes could be made by consensus; just make it a consensus.

PRESIDENT CASSELL: There has been a request from the chairman of the committee that we attempt to make such changes by consensus, if possible. Is there any objection to changing the word "one" to "five?"

(One hand was raised.)

PRESIDENT CASSELL: There is one objection. Therefore, we'll have to vote on it. It has been moved and seconded that the word "one" in item (c) under 3.11 be changed to "five." Discussion? Charles Mason?

MR. MASON: I wanted to ask a question to the maker of the amendment. What applicability would this have to incumbents? Assume there is now a judge who has lived in the District, which becomes a state, for one year at the time when the state is admitted and he carries over as a hold-over. Is he eligible to serve, or must he disappear because he hasn't lived here for five years?

MR. LOVE: May I answer that, Mr. Chair?

PRESIDENT CASSELL: Let the committee respond to

that. A question has come from delegate Mason. Is there a committee member who would like to respond to that?

Delegate Mason, it has been requested that you repeat the question.

MR. MASON: I think the answer is satisfactory, but I want to be sure; I want to get it on the record. My question is does this prevent a hold-over, a person who was appointed a judge in the District of Columbia and whose term has not expired even though he has resided in the District for less than five years at the time the District becomes a state, from continuing in office?

I believe it's all right because the first sentence of 3.11 says, "No person shall be nominated or appointed unless he or she ...," and that person's nomination and appointment took place prior to the state coming into existence. Therefore, I think that means that he or she can continue to serve at least until the end of that term.

I'm not quite sure what would happen if this person had been a judge for 14 years at the time we become a state and had moved into the District a year ago. His or her term then expired. Would he or she be barred from reappointment even though the commission said that he or she was outstanding and worthy of reappointment?

MR. BLOUNT: Mr. Chairman, certainly I don't think the person will be removed because of that clause.

MR. MASON: Thank you.

PRESIDENT CASSELL: I'd like to move 3.11 now that the questions have been answered.

MS. HARRIS: I move the previous question.

PRESIDENT CASSELL: The previous question has been moved. Is there a second?

(The motion was duly seconded.)

MS. CORN: Sir, point of order, please.

PRESIDENT CASSELL: Point of order?

MS. CORN: Could we, before you call the question on all of 3.11, ask if there are any further amendments, please, because I do have one and I would like it raised?

PRESIDENT CASSELL: The previous question rules that out, and it's a proper motion.

MS. CORN: Sir, then may I request that from here on in, before you accept a motion for the previous question, you ask if there are any further amendments on a section before you --

PRESIDENT CASSELL: The rules do not permit the Chair to deny any motion that is a proper motion.

MR. ROTHSCHILD: Sir, wasn't somebody recognized at

the time the question was called? Every other convention has tried to not use a call for the question to make sure everything is open.

PRESIDENT CASSELL: There has been considerable discussion on this. The question has been moved. Those in favor of cutting off debate on this question, please signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Let me see hands on that. Those in favor of cutting off debate on this question, please raise your hands.

MR. COOPER: Fifteen.

PRESIDENT CASSELL: Fifteen. Those opposed?

MR. COOPER: Five.

PRESIDENT CASSELL: The motion carries. The origina motion on the floor is the amendment stated by Mr. Love --

MS. CORN: Sir, point of order.

PRESIDENT CASSELL: -- to change "one year" to "five years."

MS. CORN: Sir?

MS. HARRIS: May I speak to that?

PRESIDENT CASSELL: Yes.

MS. HARRIS: Mr. Love's amendment, which is to change "one year" to "five years" --

MR. COOPER: Point of order. We just cut off debate.

MS. HARRIS: We're back to the amendment.

MR. COOPER: No; we cut off debate on this amendment.

PRESIDENT CASSELL: We're back to the Love motion, which is the amendment.

MR. COOPER: No, no. We cut off debate on Love's amendment to change "one" to "five," so we have to vote.

PRESIDENT CASSELL: No, no.

MR. COOPER: Yes, we did. We cut off on Love's amendment; that was the only amendment on the floor. No debate is in order.

PRESIDENT CASSELL: The Chair has been advised that we did cut off debate on Love's motion. Those in favor of Mr. Love's motion to strike "one" and substitute "five" in 3.11, signify by raising your hands.

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Sixteen. Those opposed?

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

(Two hands were raised.)

PRESIDENT CASSELL: What's the count?

MR. COOPER: Sixteen in favor, one opposed, two abstain.

PRESIDENT CASSELL: Sixteen in favor, one opposed, two abstain.

Delegate Blount?

MS. CORN: Mr. President?

MR. BLOUNT: The main question before us --

MS. CORN: Mr. President, please, I beg to be recognized.

PRESIDENT CASSELL: What did you say, delegate Blount?

MR. BLOUNT: The main question before us, I believe, is to vote on 3.11.

PRESIDENT CASSELL: The motion on the floor is to adopt 3.11, as amended.

MS. CORN: There are several amendments out here. Please, let us be recognized before you call the question.

PRESIDENT CASSELL: Delegate Eichhorn?

MS. EICHHORN: I call the question.

MS. CORN: That's outrageous.

MR. ROTHSCHILD: That's outrageous.

MS. CORN: We are being stifled now. Point of order, Mr. President.

PRESIDENT CASSELL: You haven't been recognized.

MS. CORN: A point of order doesn't have to be recognized under our rules. Since this is the only time, on first reading, when amendments may be offered and received with only a majority affirmative vote, if you do not recognize everybody who wishes to make an amendment at this time, it would require a two-thirds vote on second reading of all delegates. Therefore, we are being stifled to not be allowed to present our amendments at this time.

I beg of the Chair to consider this, please.

PRESIDENT CASSELL: Well, since you have begged, I'm going to respond to that. How would you respond to a proper motion to call the previous question? Is there such a thing as ruling a previous question motion out of order?

MS. CORN: I would request of the maker of the motion that they withdraw it, please, to make certain that anyone else who wishes to present an amendment may do so, and most delegates would yield to that.

PRESIDENT CASSELL: Well, you can make that request.

MS. CORN: I so request, Jan. There are other people out here who wish to make amendments -- perfecting amendments or other amendments. I would ask, out of respect to this body and to me, that you give us that opportunity.

PRESIDENT CASSELL: I think we get the point now, and she can respond.

MS. CORN: Would you yield, please?

MS. EICHHORN: I would let the group vote on whether to yield to you. It may be that the majority would be willing to yield.

PRESIDENT CASSELL: I think we tried to resolve that in the committee. Delegate Eichhorn, is your motion still on the floor?

MS. EICHHORN: Yes.

MR. COOPER: It didn't get a second.

MR. ROTHSCHILD: Point of order, sir. In the Hawaiian convention and the Alaskan convention --

PRESIDENT CASSELL: Sir, I did not recognize you, and you're always talking about proper procedure.

MR. SCHRAG: He doesn't have to be recognized.

MS. CORN: A point of order does not need to be recognized.

PRESIDENT CASSELL: I would like the opportunity to

finish my --

MS. EICHHORN: I withdraw my motion.

PRESIDENT CASSELL: All right, the motion has been withdrawn.

Further amendments? Corn, Rothschild, Moore.

MS. CORN: I'd like to ask one question first before I offer an amendment because since I'm not an attorney, it's not clear to me. In number (b), an active member of the Unified State Bar --are the Women's Bar and the Washington Bar Association part of the Unified State Bar?

MS. EICHHORN: All attorneys in the District are members of the Unified Bar.

MS. CORN: I'm asking, are the Women's Bar Association and the Washington Bar Association part of the Unified State Bar, yes or no?

MS. EICHHORN: Organizations are not members of the Unified State Bar; individual lawyers are members of the Unified State Bar, and every lawyer practicing in the District is a member of the Unified State Bar. Therefore, a lawyer who belongs to the Women's Bar and who practices in the District is a member of the Unified Bar.

MS. CORN: Okay. I'd like to offer an amendment on (b) so that it will read -- you're saying that a woman

could be a member of the Women's Bar and the Unified State Bar?

PRESIDENT CASSELL: Why don't you sit down and get that question together?

Delegate Rothschild?

MR. ROTHSCHILD: Thank you. I would like to propose an amendment to 3.11 so that 3.11 would read as follows: "No person may be nominated or appointed a judge of the superior or supreme court unless he or she," and then it would go (a), (b), (c), (d), (e), and then at the end it would say "except that two supreme court judges shall be laypersons."

(The motion was duly seconded.)

MS. JONES: Could you repeat that?

MR. ROTHSCHILD: Okay. What I'm proposing is that 3.11 shall read, "No person may be nominated or appointed a judge of the superior or supreme court unless he or she," then (a), (b), (c), (d), and (e) would apply to that, but as the section closed it would say, "except that two justices on the supreme court shall be laypersons."

PRESIDENT CASSELL: Delegate Rothschild, let me ask, would this be item number (f)?

MR. ROTHSCHILD: Well, it could be (f) or it could be a closing of the section.

MS. CORN: It would be (f).

MR. ROTHSCHILD: Okay, (f).

PRESIDENT CASSELL: Let me just point out that "unless he or she," and each of those is a positive statement, "is" something.

MR. BLOUNT: Point of order, Mr. Chairman.

PRESIDENT CASSELL: Yes, point of order?

MR. BLOUNT: Mr. Chairman, isn't it possible to ask our general counsel to respond to some of these proposals, because they seem to be illegal? Can a supreme court justice be a layperson?

PRESIDENT CASSELL: That is an appropriate suggestion, though I don't believe it's a point of order, which challenges the legality or the propriety or the conformance to the rules.

MR. BLOUNT: I would just ask that the body not even respond to this proposal.

MR. COOPER: He's out of order.

PRESIDENT CASSELL: I was going to ask you a question for purposes of clarification. Let me withdraw that and let the delegates respond, and then I will ask general counsel to respond to the propriety of that.

MR. ROTHSCHILD: The reason I have proposed this

motion is because, first of all, you are going to have a supreme court with nine justices. We have nine people on the supreme court; they will all be sitting en banc -- all sitting together.

When we talked about this section, one delegate spoke to the fact that there's no reason laypersons can't contribute common sense and be part of the judicial system. What I'm proposing is that two of the nine people who all sit together be other than those -- be other than laypersons.

The Constitution of the United States does not require that the chief justices must be lawyers. As far as I know, Chief Justice Earl Warren was not a lawyer.

MS. CORN: Is that true?

MR. ROTHSCHILD: Yes, I think it is.

PRESIDENT CASSELL: Please, respect for the speaker.

MR. ROTHSCHILD: In any event, the Constitution of the United States does not require that a person be a lawyer, plus only 43 states, as I understand from that chart, require an education in law to become a judge. So, I am recommending this so that laypersons can participate in the judicial system.

The supreme court is basically making a lot of philosophical decisions as well as legal decisions, and it wil